

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 06, 2023

SEAN F. MCAVOY, CLERK

U.S.A. vs. Horner, Tyson J. Docket No. 0980 2:22CR00060-TOR-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Tyson J Horner, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge James A. Goeke sitting in the court at Spokane, Washington, on the 20th day of October 2022 (ECF No. 27), as well as the 28th day of December 2022 (ECF No. 33), under the following conditions:

Standard Condition #1 (ECF No. 27): Defendant shall not commit any offense in violation of federal, state, or local (including tribal) law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency unless first notifies the supervising Pretrial Services Officer in the captioned matter.

Additional Condition #13 (ECF No. 27) : Defendant shall submit to random urinalysis and/or Breathalyzer testing as directed by the United States Probation/Pretrial Services Officer for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

Additional Condition #1 (ECF No. 33): Defendant shall reside at Hutton House and abide by all rules and regulations of the facility and may not change residences without permission from Pretrial Services.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 26, 2022, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Horner (ECF No. 27). Mr. Horner acknowledged an understanding of the conditions at that time.

On December 29, 2022, the undersigned officer reviewed the additional conditions of release imposed by the Court on December 28, 2022 (ECF No. 33). Mr. Horner acknowledged an understanding of the conditions at that time.

Violation #1: Tyson J. Horner is alleged to have violated the conditions of pretrial release supervision by failing to report law enforcement contact that occurred on or about February 19, 2023, within 1 business day.

Available records indicate, on February 19, 2023, Mr. Horner was cited by the Washington State Patrol for speeding 26 miles per hour over the limit in Whitman County, Washington. Mr. Horner failed to report this law enforcement contact to the undersigned officer within 1 business day.

On or about March 2, 2023, the undersigned officer spoke to Mr. Horner about the above-noted contact with law enforcement. He acknowledged he was cited for speeding on February 19, 2023. The undersigned officer reminded Mr. Horner to report any contact with law enforcement within 1 business day.

Violation #2: Tyson J. Horner is alleged to have violated the conditions of pretrial release supervision by failing to report for random drug testing on February 1 and 14, 2023.

Re: Horner, Tyson J.

March 3, 2023

Page 2

On December 29, 2022, the undersigned officer referred Mr. Horner to the phase urinalysis testing program at Pioneer Human Services. Mr. Horner was instructed to contact PHS on a daily basis to determine if he was required to submit to random drug testing.

Mr. Horner failed to report for random drug testing on February 1 and 14, 2023.

It should be noted that on February 2, 2023, Mr. Horner contacted the undersigned officer and acknowledged he missed his random drug test on February 1, 2023. He reported to the U.S. Probation Office on February 2, 2023, and submitted to a urinalysis with negative results.

It should be further noted on February 14, 2023, at approximately 12:34 p.m., Mr. Horner contacted the undersigned officer and advised he had to pick up a piece of equipment for his employer about 90 minutes away from Spokane, Washington. As noted above, Mr. Horner failed to report for random drug testing at PHS on February 14, 2023.

On February 16, 2023, Mr. Horner reported to the U.S. Probation Office and was unable to provide a urine sample. Subsequently, a sweat patch was applied on Mr. Horner's left arm to be tested for illegal controlled substances.

On February 28, 2023, Mr. Horner reported to the U.S. Probation Office. The sweat patch was removed and mailed for laboratory confirmation. The results of this sweat patch testing have yet to be provided to the undersigned officer.

Violation #3: Tyson J. Horner is alleged to have violated the conditions of pretrial release supervision by being removed from the Hutton House transitional living program on or about February 27, 2023.

On February 28, 2023, the undersigned officer received a voicemail message from the manager of the Hutton House transitional living program. The manager advised Mr. Horner was discharged from the Hutton House on February 27, 2023, due to curfew violations.

On March 1, 2023, the undersigned officer confronted Mr. Horner about his discharge from the Hutton House. Mr. Horner reportedly believed he was only removed from the Hutton House for 2 days. He stated he left the Hutton House at about 1 a.m., on or about February 25, 2023, as he had a job cleaning out a residence for a real estate company.

Later on March 1, 2023, the undersigned officer spoke with the manager of the Hutton House. The manager confirmed Mr. Horner was discharged from that program due to curfew violations. He said Mr. Horner had some curfew violations that led to him being removed from the Hutton House program.

PRAYING THAT THE COURT WILL ORDER A SUMMONS

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: March 3, 2023

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

Re: Horner, Tyson J.

March 3, 2023

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

March 6, 2023

Date